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Item 6 of the provisional agenda

REPORT ON OTHER MEETINGS AND ACTIVITIES

Note by the Secretary-General

Contribution from the Washington NGO Coalition

1. The General Assembly, in its resolution 46/116, requested the Secretary-General to report to the Preparatory Committee on progress made on meetings that had been organized under the auspices of the United Nations programme pursuant to General Assembly 45/155.

2. The attention of the Preparatory Committee is drawn to the attached contribution of the Washington NGO Coalition entitled "Recommendations for reform in the United Nations human rights system."

3. The Washington NGO Coalition states in the Introduction to its report that the challenge to the United Nations, its Member States and the human rights community is to ensure that the World Conference somehow touches, in real and tangible ways, the lives of the millions of men, women and children throughout the world who so desperately need protection but are not receiving it.

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4. The recommendations of the various working groups of the Coalition deal with the following issues: human rights integration and restructuring of the United Nations; human rights education; women's human rights; economic, social and cultural rights; refugee policy; peacekeeping and humanitarian initiatives; international law and judicial reform. The document also includes additional recommendations on the United Nations Commission on Human Rights; the Centre for Human Rights; technology, communications and administrative reform; treaties and treaty-monitoring bodies; theme Mechanisms; the human rights of gay men and lesbians; torture; indigenous peoples' rights, the reform in United Nations representation and participation; development and human rights; human rights and the Global AIDS pandemic; minority rights; and protection for human rights defenders.

Washington
NGO Coalition
UN World Conference on Human Rights
Satellite Meeting
February 23, 1993

United Nations World Conference on Human Rights

Vienna, Austria
June 14 to 25, 1993

RECOMMENDATIONS FOR REFORM

in the

United Nations Human Rights System

Prepared By:

The Washington NGO Coalition

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Introduction

The World Conference

The United Nations World Conference on Human Rights, the first high-level, global U.N. summit on human rights in twenty-five years, will take place this summer in Vienna, Austria from June 14 to 25, 1993. In itself, the World Conference will be an historic event at least, but should also be a meaningful event, setting a progressive agenda for human rights promotion and protection into the next millennium. The Conference takes place in the midst of what many believe to be the worst period in our history for world peace and individual well-being. Only a few hours drive from the Conference Center in Vienna, the systematic abuse of human rights is taking place on a large scale. The challenge to the United Nations, its member states, and the Human Rights community is to ensure that The World Conference somehow touch, in real and tangible ways, the lives of the millions of men, women, and children throughout the world who so desperately need protection but are not receiving it.

The U.N. General Assembly outlined the Conference's goals as follows:

1. Review and assess progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights in 1948 and to identify obstacles to progress and ways to overcome these.

2. Examine the relationship between development and the enjoyment of economic, social and cultural rights as well as civil and political rights.

3. Examine ways to improve the implementation of existing standards and instruments.

4. Evaluate the effectiveness of the methods and mechanisms used by the UN in the field of human rights.

5. Formulate concrete recommendations for improving the effectiveness of UN activities and mechanisms in the field of human rights through programs aimed at promoting, encouraging, and monitoring respect for human rights.

6. Explore and secure sources of funding for the support of current and future human rights efforts of the UN.

In addition, The General Assembly gave authority and responsibility for planning the Conference to an international Preparatory Committee, but after three meetings and months of lengthy negotiations the Committee was unable to agree on an agenda for the World Conference. Regional differences in values and priorities surfaced and in effect stalled the preparatory process. As a result, the General Assembly itself took up the task of finalizing an agenda in its last session. At stake are questions of sovereignty, impunity, universality, and governmental responsibility. Camps appear divided between those pushing for more international accountability and those hoping to protect themselves from "outside" scrutiny.

But even those governments who are publicly pressing for more accountability appear compromised in the face of international political and economic ties and interests, not to mention by the human rights problems and complexities in their own countries.

Despite the stated goal of the Conference, in short to look at problems and failures in human rights protection of the past and to take concrete action to avoid problems and failures in the future, in this climate of international retrenchment and political face-saving, the World Conference on Human Rights is at risk of becoming little more than a public relations platform for governments who wish to be seen saying one thing but then who do another, or worse of becoming an opportunity for a few energetic governments to actually turn back the clock in international human rights protection.

The Washington NGO Coalition

The Washington NGO Coalition was formed in the shared conviction that the World Conference *does* have the potential to mark a significant step forward in the international promotion and protection of human rights. The World Conference *can* provide the impetus for real structural change within the U.N., moving the U.N. to make itself and its bodies and programs much more effective in protecting and enforcing human rights standards around the world.

The fundamental objective of the Coalition is to bring to bear on the World Conference, and on the United Nations generally, the concerns, expertise and energy of the nongovernmental community in the area of human rights. First shared, discussed and debated at a recognized satellite meeting of the World Conference, and now presented in this document are specific recommendations for reform in the United Nations system set up to promote and protect the human rights of all the world's peoples.

The Coalition offers the results of its work to the Secretariat of the World Conference, to the Governments of the World, to the NGO community, and to the general public as both a symbol of its belief in the life-saving and life-affirming possibilities of this World Conference, and as a concrete contribution to the work that will be done there and to the work that will need to continue long afterwards.

Accordingly, the Washington NGO Coalition calls on all participants in the World Conference to recognize the importance and necessity of these recommendations, to consider them seriously, and finally upon the U.N. to implement them. This document focuses on the work for which the United Nations was created. The U.N. and its member states must take this opportunity to place the protection of human rights in its proper and necessary place at the foundation of the U.N. system, and to do what must be done to bring human rights protection into the day-to-day lives of those in this world who are as yet, still made to suffer.

I. World Conference Priorities

As representatives from the governments of the world, the United Nations, and the nongovernmental community come together in Vienna for this World Conference on Human Rights, to lay a foundation for international human rights work and protection for the next generation, they must pay close attention and consideration to the following ten objectives, recognizing their essential and overarching importance.

This Coalition and its Satellite Meeting call on the World Conference on Human Rights, in its preparations, proceedings, and final declaration to:

1. ***Reaffirm*** the universal nature and application of Human Rights. This World Conference must not allow itself to become an opportunity for any nation or body to weaken the universal definition of Human Rights.

2. ***Recognize*** the indivisibility and equality of all human rights; economic, social, cultural, political, and civil.

3. ***Integrate*** the protection and promotion of human rights into every aspect of the United Nations' work and activity.

4. ***Encourage*** the increased coordination, integration, and effectiveness of *existing* U.N. human rights bodies, standards and mechanisms, and their universal implementation and enforcement, free from political bias and manipulation.

5. ***Integrate*** fully, in definition and practice, the protection of women's rights into the general protection of human rights.

6. ***Extend*** the access to and the application of international law to individuals as well as nations.

7. ***Accept, encourage and facilitate*** strong participation of nongovernmental organizations in the U.N. human rights system and in the World Conference.

8. ***Strengthen***, politically and otherwise, the United Nations and other international institutions that monitor and enforce human rights.

9. ***Allocate*** significantly more resources (financial, technological, human, etc.) to the U.N. human rights system.

10. ***Recognize and reaffirm*** human rights education, the right to teach and to know one's rights, as a Human Right.

II. Working Group Recommendations

A. Working Group on Human Rights Integration and U.N. Restructuring

The United Nations was born in the aftermath of a human rights disaster. Article 1 of the U.N. Charter places human rights issues at the very foundation of all the U.N. does and stands for. And yet of all the problems facing the United Nations' system responsible for the promotion and protection of human rights around the world, among the greatest is the system's own weakness and fragmentation. The Commission, the Centre, the theme mechanisms, and the treaty monitoring bodies all suffer from a serious lack of resources, coordination, and authority within the U.N. Not only should these bodies be working closely with one another, but they should also be working closely with most other U.N. programs and departments. What U.N activity does not impact or touch on human rights? This Satellite meeting calls on the United Nations to make human rights promotion and protection its first priority, and to give to its own human rights bodies the resources, political authority, and coordinating capacity they need to carry out what is no less than the United Nations' raison d'etre.

The World Conference on Human Rights should:

1.1 Call for the creation of a U.N. Special Commissioner for Human Rights.

The mandate and responsibilities of the Special Commissioner should include the following:

1.2 The authority as well as the resources to respond effectively to human rights crises around the world.

1.3 The ability to help UN agencies identify the human rights component of their programs and to help them develop operational goals in this area.

1.4 The authority and resources to see that all the various aspects of human rights work within the UN are well coordinated.

In addition, the Special Commissioner should:

1.5 Give special attention to long neglected areas such as women's rights. Particular attention should be paid to integrating the protection and promotion of women's human rights into the work of all UN agencies.

1.6 Reflect independence and impartiality both before governments of the world and within the UN system. It is particularly important that the Special Commissioner not be too closely identified with the Security Council.

1.7 Be accountable to the General Assembly.

In addition to calling for a U.N. Special Commissioner, the World Conference should:

2. Recognize particularly the need to integrate human rights protection and mechanisms more effectively with Peacekeeping and Humanitarian activities.

3. Affirm the Atlanta Declaration recommendation that clear criteria be developed for security council involvement in human rights issues which should stress impartiality, legitimacy, transparency, and accountability for initiatives and decisions in this area.

4.1 Ensure that the Secretary General exercise clear leadership in making a reality of his statement that all programs of the UN increasingly reflect human rights.

4.2 Support The Secretary General as he will need to use a variety of mechanisms in order to mediate between the emerging consensus on the need for more UN involvement in human rights work and competing demands for resources.

5. Recognize the need to invest in long-term strategies to address the root causes of violence and affirm the concept of UN involvement in post-conflict peace building outlined by the Secretary General.

B. Working Group on Human Rights Education

Article 1 of the United Nations Charter names as a purpose of the United Nations the "promoting and encouraging respect for human rights". In adopting the Universal Declaration of Human Rights, the General Assembly referred explicitly to education when it proclaimed the Declaration to be "a standard of achievement for all people and all nations, and to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect of these rights and freedoms." It is in this light that the Coalition Working Group on Human Rights Education offers the following recommendations.

The World Conference on Human Rights should:

6. Declare that human rights education is itself a human right, as has been recognized in several UN Documents, and issue a call for mass education in human rights, now.

7. Facilitate and encourage international, regional and national NGOs, and in particular those concerned with women, labor, development, the environment, persons with HIV/AIDS, indigenous peoples, gay men and lesbians, and other social justice activists, human rights advocates, educators, religious organizations and the media to increase their involvement in formal, informal and nonformal education in human rights.

8. Facilitate and encourage NGOs to add a human rights dimension to their activities and to join in developing programs for mass education in human rights and democracy.

9. Urge Member States, educators and NGOs to support a People's Decade of Human Rights Education, already in progress in some countries.

10. Establish an international Fund to support the human rights education activities of NGOs.

11. Require treaty monitoring bodies to ask States parties to include in their information and reports the extent and scope of formal and nonformal human rights education in the reporting State.

12. Add Human Rights Education as a regular agenda item to the annual meetings of the UN Commission on Human Rights.

13. Require the Commission on Human Rights to appoint a special rapporteur on human rights education. Any special rapporteur reporting on human rights conditions under the Covenants and Conventions, should specify the extent and scope of formal and nonformal human rights education in the reporting State.

14. Call on all member states, in coordination with the NGO community, to develop in their countries Resource Centers for Human Rights Education.

C. Working Group on Women's Human Rights

As noted by many women's rights and human rights organizations and affirmed at the regional preparatory committees and the interregional meeting sponsored by the Council of Europe, Women's human rights have been historically overlooked and marginalized by the UN bodies charged with the protection and promotion of human rights.

The satellite meeting reiterates this assessment and strongly endorses the call for reform of existing human rights mechanisms and new initiatives to ensure effective promotion and protection of women's human rights worldwide.

Accordingly, the UN World Conference and its Secretariat should:

15. Assure that Women's human rights are thoroughly integrated into the work of the World Conference on Human Rights, incorporated explicitly into the annotated agenda of the World Conference and addressed in the background documents prepared for the conference.

16. Call upon all UN agencies and Commissions to integrate the central concerns of women into existing priorities for research, advisory services, public education, monitoring of violations, and implementation and enforcement of international human rights norms.

17. Ensure that as the World Conference takes up international human rights issues, such as the universality of human rights, the integration of human rights into all other UN activities and the indivisibility of all human rights, women's human rights issues are addressed. For example, discussion of the universality of human rights should, as affirmed at the regional meeting for Africa, emphasize

the need for governments to counter all forms of religious or cultural intolerance denying women's human rights.

18.1 Guarantee broad NGO participation, including that of women's rights organizations, in order to ensure credible treatment of human rights issues by the conference, and where possible, provide resources to facilitate NGO participation in the Conference.

18.2 Create formal procedures for communicating between NGO meetings and the official World Conference.

18.3 Ensure the equitable participation of women and men in official government delegations.

In addition to these general recommendations, the satellite meeting makes the following specific recommendations with regard to improving the promotion and protection of women's human rights, with the understanding that any recommendation in this document that refers to human rights encompasses women's human rights.

In order to enhance implementation of human rights standards with regard to women's human rights, the UN World Conference should:

19. Examine the severity of the denial of human rights to women and girl children, to identify the obstacles to further progress and ways in which these obstacles can be overcome, paying special attention to gender bias in customs, traditions, language, and domestic and international law.

20.1 Recognize women's right to reproductive health and to control their fertility, as these rights are integral to women's equality, liberty, physical and mental integrity and human dignity.

20.2 Note the effect of discrimination against women with respect to their ability to protect their health, paying particular attention to the implications of HIV/AIDS.

21. Adopt measures to ensure that the treaty committees, thematic and country Rapporteurs and Working Groups, independent experts and other bodies entrusted with protecting human rights address violations of women's human rights, including gender-specific abuses, in the areas that fall within their mandates (through advisory services and training programs, and monitoring, reporting and complaints procedures). These include:

(a) Training for UN human rights and humanitarian relief personnel and for independent experts to ensure that they will address human rights abuses specific to women and carry out their work without gender-bias.

(b) Ordering periodic evaluations of the effectiveness of the UN monitoring, reporting and complaints procedures, as well as its advisory services and training programs in addressing, and devising more effective responses to, violations of women's human rights.

(c) Establishing goals and timetables for securing equal representations of women on all U.N. treaty committees and among the Special Rapporteurs and

Working Groups established by the U.N. Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and in the program on advisory services in human rights.

22. Call on the UN Commission on Human Rights to appoint a Special Rapporteur on systematic gender-discrimination and violence against women. The Rapporteur should be authorized to receive and report on information from governments, non-governmental organizations, inter-governmental institutions and individuals; to respond effectively to allegations of violations against women; and to recommend measures to prevent continuing violations.

23. Provide for strengthening the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by:

(a) Calling on State parties to withdraw those reservations to the Convention that are obstacles to its effective implementation, and to object to reservations by other State parties that are incompatible with the object and purpose of the Convention, and endorsing the suggestion of the meeting of Chairpersons that the Sub-Commission prepare an analysis of questions of incompatibility arising from the reservations to the principal human rights treaties.

(b) Calling for a working group in the Commission on the Status of Women to outline procedures for drafting an optional protocol establishing an individual complaints procedure under the Convention, and endorsing the elaboration of such an optional protocol.

(c) Ensuring the provision of adequate resources (including human resources) for the Committee on the Elimination of Discrimination Against Women.

In considering challenges to the full realization of human rights, the World Conference should:

24. Recommend more effective U.N. implementation procedures to eliminate the violence against women that is endemic to all societies. Various forms of violence against women breach guarantees established in the Universal Declaration, the Convention on the Elimination of All Forms of Discrimination Against Women, and other human rights instruments, including:

(a) The right not to be arbitrarily deprived of life, liberty and security of the person.

(b) The right not to be subject to torture or inhuman and degrading treatment.

(c) The right to just and favorable conditions of work.

(d) The right to equal protection of the law.

(e) The prohibition of gender discrimination.

25.1 Consider in discussions of U.N. peacekeeping activities, emergency response mechanisms, and humanitarian assistance (such as aid to victims of the conflicts in Somalia and in the former Yugoslavia) the contemporary trends in and challenges to the full realization of all human rights of men and women.

25.2 Develop effective responses to gender-specific abuses and to the particular vulnerabilities of women as a group in crisis situations such as armed conflict or ethnic conflict at the international, national or local level.

25.3 Consider the impact on women of all measures taken.

26. Formulate concrete recommendations for improving the effectiveness of United nations activities and mechanisms in initiating fundamental changes in attitudes, customs, traditions and laws that foster gender bias.

D. Working Group on Economic, Social and Cultural Rights

Although the International Covenants on Civil and Political Rights, and on Economic, Social, and Cultural Rights are often spoken of as the "pillars" of international human rights protection, one has historically been thought of as more important, prior to, or simply more "real" than the other. They have, in practice and protection, remained separate and unequal. The indivisibility of these rights must be acknowledged, and the status offered in the past solely to Civil and Political Rights must be now be accorded to Civil, Political, Economic, Social, and Cultural Rights as a whole. Economic, social, and cultural rights are Human Rights.

The World Conference on Human Rights should:

27. Reaffirm the universality, indivisibility, and interdependence of economic, social and cultural rights and civil and political rights by concrete actions and not just through rhetorical statements. Economic, social and cultural rights should be accorded the attention, status, and financial staff resources consistent with these commitments.

28.1 Reaffirm that adhering to the reporting requirements outlined in the International Convention on Economic, Social and Cultural Rights is intrinsic to fulfilling the responsibilities of State parties.

28.2 Call on each state party to institute a statistical information system through which it can monitor its own performance focusing on the status of such groups as girls and women; ethnic, racial, religious, sexual and linguistic minorities; individuals affected by the AIDS pandemic; the poor, disadvantaged and vulnerable groups under each article. This will enable each state to fulfill reporting obligations in a manner consistent with the Revised General Reporting Guidelines for State parties adopted by the Committee on Economic, Social and Cultural Rights at its fifth session.

29. Request State Parties to the International Convention on Economic, Social and Cultural Rights to develop plans with explicit goals for the progressive realization of each right.

30. Call on the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the appointment of Special Rapporteurs on issues such as:

(a) Conceptualizing specific economic, social and cultural rights focusing on the core obligations under each right.

(b) Human rights and income distribution.

(c) The humans rights responsibilities and international legal duties of international financial institutions.

31. Encourage the U.N. Centre for Human Rights to make expert assistance available to states for purposes of formulating policies to achieve progressive realization of economic, social and cultural rights and developing mechanisms of evaluation through its Advisory Services Program.

32. Support the development of an optional protocol to the International Convention on Economic, Social and Cultural Rights to permit the examination contained in the convention.

33. Recognize explicitly the right to development as established in the Declaration on the Right to Development, adopted by the General Assembly in its Resolution 41/128 of 4 December 1986.

34. Call on governments to promote the economic, social and cultural rights of social groups such as women, minorities, and indigenous people in the context of sustainable development as delineated in Agenda 21 and the Rio Declaration.

E. Working Group on Refugee Policy

The World Conference should support and endorse the work of the United Nations High Commissioner for Refugees (UNHCR) and seek to enhance the UNHCR's protection role. All human rights recommendations from this Working Group are meant to strengthen, not replace, the role of the UNHCR.

The World Conference on Human Rights should:

35. Reaffirm the importance of the rights to seek asylum and to non-refoulment. In recent years the international community has placed a growing emphasis on country of origin issues such as repatriation, internally displaced persons, and early warning of emergencies. While these approaches should be encouraged when they can resolve existing refugee crises or avert new ones, caution must be used in ensuring that legitimate refugee flows are not deterred.

36. Encourage governments in cooperation with the international community to find new approaches for addressing non-traditional refugee situations that are not covered by the 1951 Refugee Convention and the 1967 Protocol. The OAU Convention and the Cartagena Declaration are steps in this direction. Non-traditional refugee situations are often caused by the breakdown of states, civil war, and repression where people are fleeing their country because they fear falling victim to a generalized state of violence.

37.1 Call for the creation of an early warning system to alert the international community to deteriorating human rights situations and potential causes of refugee flow. Early warning of refugee flow would enable the refugee organizations to prepare more effective relief operations and could mobilize human rights bodies to address the causes of the displacement and seek remedy for them.

37.2 Encourage better flow of information between the U.N. Human Rights Centre and other specialized agencies and political bodies.

37.3 Call on the U.N. Commission on Human Rights to prepare an annual review of human rights situations that could give rise to mass exoduses in specific countries. This would enable the Commission to address the root causes of refugee flows and hold governments accountable for them.

37.4 Require the Commission on Human Rights to bring to the attention of the Secretary General situations of rapidly deteriorating human rights conditions that have potential to create refugee flows.

38. Strengthen the mandate and capability of the U.N. Center for Human Rights to enable it to monitor and collect human rights information on a worldwide basis, identify situations that could contribute to refugee flows, and alert the Secretary-General when action is needed.

39.1 Call attention to the special protection needs of refugee and displaced women, in particular the need for protection against sexual assault. At present, the possibility for assault exists throughout the refugee and displacement experience: during flight, while in refuge and during the return and reintegration process.

39.2 Design assistance programs to meet the protection needs of refugee women. More women protection officers should be deployed to assist refugee and displaced women. U.N. human rights programs that focus on the specific need of women should give special importance to the plight of refugee and displaced women.

40. Attend to the impact of the global AIDS pandemic on the movement of peoples, as well as on the treatment of refugees and displaced persons, noting particularly the issues raised with respect to freedom of movement and access to medical care. HIV/AIDS must not be used as a barrier to political asylum claims, nor result in detention.

41. Require more consistent use of emergency powers by the U.N. Commission on Human Rights by authorizing Commission rapporteurs and representatives to make periodic reports on serious human rights situations to Commission members and the Secretary General so that action can be taken between sessions of the Commission.

42.1 Encourage the Commission on Human Rights to increase its use of human rights monitors to report on human rights situations, to seek to deter abuse, and to provide for follow-up action.

42.2 Require that any human rights monitors appointed by the Commission on Human Rights to work with the thematic or country rapporteurs be instructed to

monitor internally displaced persons, contact local authorities about protection problems, advise when conditions are safe to return home, and monitor the safety of the return process.

42.3 Encourage an Increased Role for the U.N. Commission on Human Rights in protecting Internally Displaced persons.

42.4 Give serious consideration to the recommendations made by Ambassador Francis Deng in his report on how human rights protection for internally displaced persons should be enhanced, and support the greater involvement of the Commission in this issue.

43. Recognize that special attention needs to be paid to the unique protection needs of refugee children.

44. Call upon governments that have not done so to ratify the 1951 Refugee Convention and the 1967 Protocol, which are still the bedrock for the international protection of refugees.

45.1 Acknowledge that Governments have not fulfilled their responsibility as regards refugee status determination. Status determination has been systematically subordinated to political considerations; it is often delayed for years; the ambiguity between "political" refugees and "economic migrants" is widely exploited to deny refugee situations of today in which people are fleeing life threatening situations but who may not have an individual claim based on one of the 5 categories of the 1951 Convention. At present governments apply widely differing interpretations.

45.2 Consider recommending an independent body, or individual to review status determination procedures. This could fall within the responsibilities of a Special Commissioner for Human Rights.

46.1 Ensure that repatriation be voluntary. The repatriation of refugees--on the increase since the end of the Cold War--creates new protection issues. Refugees must not be forced to return to countries plagued by civil war or other physical hazards (i.e. old mine fields).

46.2 Endorse a review of the UNHCR mandate, to expand its protection role in repatriation.

46.3 Encourage UN human rights bodies to exercise greater oversight over repatriation. A Special Commissioner for Human Rights could serve this purpose.

47. Ensure that the Human Rights Commission focus first on the monitoring of violations, rather than on offering technical assistance.

48. Allow and invite human rights NGOs to use their fact-finding expertise to monitor the protection of returnees.

49.1 Recognize the special problems of environmental refugees as a human rights issue.

49.2 Call for the development of appropriate measures to protect environmental refugees and to prevent the catastrophes that cause them to flee their homes.

F. Working Group on Peacekeeping and Humanitarian Initiatives

Peacekeeping

The World Conference on Human Rights should:

50.1 Include human rights work within peacekeeping operations as has begun in operations such as ONUSAL (El Salvador) and UNTAC (Cambodia).

50.2 Include in all peacekeeping operations a human rights mandate. At the very least, the Department of Peacekeeping should employ a human rights specialist, preferably with links to the UN Centre for Human Rights so as to ensure the closest possible cooperation between New York and Geneva. A Special Commissioner for Human Rights could fulfill such a need.

50.3 Call for an analysis, under the direction of the Human Rights Centre, of the links between peacekeeping and human rights. The Centre should be encouraged to draw upon the expertise of the NGO community.

51. Recognize in peacekeeping operations--where serious trade-offs are being made in the interests of reaching agreement--the danger of including amnesty laws that can easily turn into an endorsement of impunity.

52. Include in all peacekeeping special provisions to meet the needs of victims of past abuse, particularly torture.

53. Include in all peacekeeping packages a provision for human rights education.

54. Consider in all cases the impact of a large UN peacekeeping force on the local population, and to the longer term implications of such a presence.

55.1 Consider the problems presented by peacekeeping operations that are usually planned only for the short-term. Attention must be paid to the question of what happens once the UN force withdraws. This issue points to a clear role for the Commission on Human Rights and the Centre for Human Rights.

55.2 Recognize the need to be flexible in extending peacekeeping operations if they are seen not to have achieved their goal in reestablishing social peace.

56.1 Ensure that the UN Human Rights Commission and its Special Rapporteurs/experts maintain an oversight function in peacekeeping operations.

56.2 Ensure that they take up the role of monitoring the human rights situation after the peacekeeping force is withdrawn (i.e. the work of Pedro Niken in El Salvador).

57. Address the need to enhance and enforce legal provisions to protect the environment during armed conflict. Problems ranging from the targeting of food and water supplies, to deliberate oil spills, to the use of dangerous chemical defoliants, all destroy the environment and violate fundamental human rights.

Humanitarian Initiatives

58.1 Recognize the distinct roles of humanitarian relief and human rights protection, and the need for better communications between humanitarian agencies that provide on-the-ground relief and the UN human rights bodies.

58.2 Encourage increased communication between these two types of organizations, but without jeopardizing the relief organizations' right to remain in the countries where they are working.

59. Implement reforms that will make the Human Rights Commission more responsive to emergencies.

60.1 Affirm and address the needs of the internally displaced and other victims of war, as articulated in the Second Additional Protocol of the Geneva Conventions (relating to the protection of victims of non-international armed conflict).

60.2 Call on all governments who have not already done so, to ratify the Second Additional Protocol.

G. Working Group on International Law and Judicial Reform

As the United Nations grows in both strength and responsibility, it must begin to address the need to recognize the rights and responsibilities of individuals as well as of governments. Human rights protection for the citizens of the world, as currently constituted under international law, is inadequate. Individuals must be protected. Individual victims must be heard. And individual abusers must be made accountable.

The World Conference on Human Rights should:

61.1 Support efforts to increase the application of international law to individuals and to extend legal standing to individuals and communities.

61.2 Recognize that establishing an international criminal court and expanding on the rights of individuals to petition are important steps in this process.

62. Recognize the rights of individuals and communities to petition to U.N. treaty supervisory bodies as a matter of right, as it is in the American Convention and generally has been (optionally) in the European Convention.

63. Call for the adoption of an optional protocol for the International Covenant on Economic Social and Cultural Rights.

64. Examine the advantages and modalities for the establishment and strengthening of regional courts of human rights.

65. Call for the creation of a World Court of Human Rights. This should probably be an appeals court, not recognizing the right of individuals to original jurisdiction.

66. Encourage the development of an International Criminal Court which should, initially, be restricted to certain specific crimes, including war crimes, genocide, torture and international terrorism, perhaps trafficking in drugs. Discrete areas of jurisdiction between the international human rights and criminal courts need to be recognized.

67. Establish judicial mechanisms as permanent bodies instead of ad hoc, in order to avoid selective, politicized use of international judicial mechanisms.

68. Call for the drafting of an International Bill of Rights to safeguard individuals from abuses by new U.N. legal bodies. Such a bill of rights and safeguards should be incorporated into a comprehensive plan for reform of the U.N., since the fundamental nature of the U.N. would change as it acquires authority over individuals.

69. Consider the following, fundamental change in the process of adopting international human rights treaties: after treaties have been drafted and adopted for signature and ratification, instead of States "contracting in" to a treaty through a process of formal parliamentary ratification and specification of reservations, (often taking decades) States would, as of specified date, be considered to have adopted the treaty. As of the effective date, States would be subject to the provisions of the treaty unless they formally "contract out" of some or all of the provisions.

III. Additional Recommendations

A. The U.N. Commission on Human Rights

This Coalition, through this World Conference Satellite Meeting, calls on the governments of the World Conference on Human Rights to:

70. Consider upgrading the Commission on Human Rights to a Council.

71. Mandate the Commission on Human Rights to study discrimination based on sexual orientation. In particular, interrelated discrimination based on race, gender, economics or abuses stemming from religious intolerance should be given special attention. The study should be produced with the goal of strengthening existing structures and establishing effective protective mechanisms, including declarations, protocols to existing covenants and with consideration for developing a convention.

72. Call on the Commission to appoint a U.N. Special Rapporteur on gender-discrimination and violence against women. The Rapporteur should be authorized to:

(a) Receive and report on information from governments, non-governmental organizations and inter-governmental institutions.

(b) Respond effectively to allegations of violations against women.

(c) Recommend measures to prevent continuing violations.

73. Ensure that the Special Rapporteur on Discrimination against HIV-infected people or people with AIDS be given full and adequate resources and technical assistance, and aided in the fulfillment of his mandate through critical reporting by governments, increased participation of the specialized agencies and the contribution of information by NGOs, both human rights and AIDS service organizations.

B. The United Nations Centre for Human Rights

The World Conference on Human Rights should:

74. Call for the creation, at the Human Rights Centre, of an information system or documentation center on human rights conditions worldwide that could be used as a resource for U.N. decision-making on human rights issues.

75. Increase the operational role of the Centre by allowing it to send monitors to countries where there are serious human rights problems.

76. Allocate additional financial and staff resources to the Centre in order that it may assume a greater protection role.

77. Strengthen the New York office of the Centre for Human Rights.

C. Technology, Communications and Administrative Reform

The World Conference on Human Rights and the United Nations, in its human rights bodies, offices and mechanisms, should:

78. Establish a computerized information management system in the U.N. Centre for Human Rights consistent with the needs of the human rights treaty bodies. In addition to the functions recommended by the 1989/90 task force on computerization (E/CN.4/1990/39), the system needs to be able to access statistical data held by other divisions of the U.N. and specialized agencies and to create integrated country files. To finance the computerization, a pledging session should be held at the World Conference on Human Rights for contributions to the special voluntary fund set up for this purpose.

79. Make more systematic application of scientific procedures and methodologies for protecting and promoting human rights. The U.N. Human Rights Centre, Committees, Commissions, and special rapporteurs responsible for human rights should avail themselves of the expertise of scientists, social scientists, health professionals, engineers, and societies representing the scientific community that are active in the human rights field both in their own functioning and in the provision of advisory services.

80. Improve the quality and availability of statistical data within the U.N. system for purposes of monitoring the progressive realization of economic, social and cultural rights. An inventory should be made of relevant data within the U.N. and specialized agencies. Better coordination of data collection and analysis should be undertaken so as to avoid duplication. To make statistical data more useful for monitoring human rights performance, there is a particular need for desegregation based on gender, race, religion, sexual orientation and other attributes and the development of time series formats. Technical assistance should be provided to make official statistics more relevant and credible for purposes of evaluating human rights performance.

81. Coordinate and facilitate the involvement of nongovernmental organizations and research centers in monitoring human rights so as to complement official government reports with a "bottom-up" approach. To promote broader participation in the reporting process, encourage governments to consult with NGOs in preparing reports and make human rights reports and relevant statistical data from U.N. publications widely and inexpensively available to interested organizations in hard copy and electronic media.

82. Provide adequate resources to the World Public Information Campaign for Human Rights.

83. Support training of UN personnel and independent experts to ensure they have the sensitivity and competence to adequately address human rights abuses based on sexual orientation.

84. Ensure that specialized agencies provide technical assistance and training to identify, support and strengthen domestic and international efforts to advocate for lesbians, gay men and other sexual minorities.

85. Encourage the UN to review its own contracting, employment and benefit policies to ensure that there is no discrimination at the UN against lesbian and gay employees or their partners.

86. Establish training programs for U.N. human rights and humanitarian relief personnel and for independent experts to ensure that they will address human rights abuses specific to women and carry out their work without gender-bias.

87. Begin periodic evaluations of the effectiveness of the U.N. monitoring, reporting and complaints procedures, as well as its advisory services and training programs in addressing, and devising more effective responses to, violations of women's human rights.

88. Require all UN bodies and specialized agencies to increase their cooperation and communication and to join their resources to control and prevent the spread of HIV/AIDS with full respect for human rights.

89. Recognize the important distinction between those bodies that investigate and monitor human rights violations and those that authorize sanctions in response to gross violations.

D. Treaties and Treaty Monitoring Bodies

The World Conference on Human Rights should call on all member states to:

90. Ratify or accede to the major human rights treaties. This should become a prerequisite to sitting on the Commission on Human Rights.

91. Ratify without reservations, limitations, declarations or understanding. Those states who have ratified in the past with such limitations should review them with a view to removing them.

In addition, the World Conference should call on the U.N. Treaty Monitoring Bodies, and give them the authority and resources to:

92. Subject to close scrutiny any derogations to treaty obligations during a state of emergency.

93. Complete rapidly the current work in the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Recommendations should be sent to the Commission on Human Rights as well as to the individual states. Resolution 1992/35 of the Commission--calling for the establishment of a

habeas corpus procedure--should be implemented by all states and formally incorporated into the International Covenant on Civil and Political Rights.

94. Call for a special report from any state at any time. Treaty-monitoring bodies should also be able to make interim recommendations.

95. Include as members only individuals who are independent of all government influence and pressure. No member of any treaty-monitoring body should be allowed to hold a government office in any country. States parties should not elect individuals for service on treaty-monitoring bodies who do not fulfill these criteria.

96. Ensure that states submit the periodic reports requested by the treaty-monitoring bodies, on time and true to the guidelines issued by the body.

97. Include in regional seminars, held under the auspices of the advisory services program, government officials, treaty-monitoring body members and nongovernmental organizations. Seminars should include components for evaluation and follow-up.

98. Follow-up on failed reporting by governments. A state must not be allowed to escape scrutiny by the treaty bodies simply by its own failure to provide the necessary reports. A limit should be placed on postponements.

99. Publicize their role, methods of work, schedule of meetings, the time-table of reports under consideration and the conclusions reached in respect to particular countries. In addition to regular press briefings and reports the treaty-monitoring bodies should publish all state reports, records, and conclusions in U.N. composite documents and make these available in U.N. Information Centres.

100. Allow and facilitate much more NGO input into the treaty review process.

101. Adopt and develop a General Comments or Recommendations feature, particular to the needs of the treaty-monitoring bodies. Draft texts should be widely disseminated to allow broad input, including from the NGO community.

102. Integrate treaty-monitoring work into the mainstream of U.N. human rights work. Regular and extensive contact should be established between the treaty-monitoring bodies and the Commission on Human Rights. The Commission's country and theme mechanisms, for example, should take into account the reports of the treaty-monitoring bodies.

103. Establish a documentation center at the Centre for Human Rights. Information exchange between the various treaty bodies should be extensive and well coordinated.

104. Upgrade seriously the technological resources available to the treaty-monitoring bodies and their staff, with a particular emphasis on computerization, communications equipment, and data retrieval and storage.

105. Increase communication and cooperation with regional human rights bodies and mechanisms.

106. Establish a provision to allow non-state actors, including individuals, to bring complaints before treaty bodies.

107. Secure regular U.N. funding, as well as an increase in other resources.

108. Improve the effectiveness of treaty monitoring bodies dealing with economic, social and cultural rights. Undertake a broad external review of the organization, structure, and effectiveness of their monitoring systems. Adopt a policy of experimenting with alternative reporting and monitoring procedures.

E. Theme Mechanisms

The World Conference on Human Rights should call on U.N. Theme Mechanisms, and give them the authority and resources to:

109. Facilitate communications between petitioners and governments. Copies of government responses should be sent to the sources of the complaint, and vice versa. The confidentiality of the source should be protected when necessary.

110. Set time limits on government responses to complaints. If no response is made before a specified deadline, the theme mechanisms should be able to treat any other reliable sources of information as valid and act as appropriate. Governments who routinely fail to respond should be brought to the attention of the Commission on Human Rights.

111. Submit country dossiers to the Commission on Human Rights in severe cases of human rights violations, or when there are patterns of abuse in a particular country.

112. Maintain and report pending cases. Statistics on pending cases--by country--should be included in the annual reports.

113. Establish clear criteria for determining whether or not a country has made a full and satisfactory reply. A case should be maintained as pending until a satisfactory reply is received.

114. Follow-up after individual cases (i.e. to provide compensation, medical treatment, rehabilitation, etc.).

115. Respond to group violations, even in the absence of specific, or individual case reports. The theme mechanism should be able to arrange an on-site visit if necessary.

116. Make on-site visits a more regular part of the work of the theme mechanisms. Adequate financial and staff resources will need to be provided. Repeated requests for visits, and any failure to arrange or be permitted an on-site visit, should be reported to the Commission on Human Rights.

117. Require government response to recommendations from on-site visits. Only specific responses to each allegation should constitute a satisfactory response. Any pending cases should be reported to the Commission on Human Rights. In

addition, reports of on-site visits should always be published as separate addenda to the main reports for easier dissemination.

118. Make routine follow-up visits a regular feature of the on-site reporting process. One theme mechanism may find it necessary to recommend a follow-up visit by another theme mechanism.

119. Begin joint on-site visits by different theme mechanisms. Joint teams should also be able to make joint recommendations. The mechanisms should also be able to request expert help for on-site visits (i.e. medical or forensic experts).

120. Undertake special studies of violations against women and children, and generate specific recommendations to protect them. Visiting teams must include women.

121. Establish regular and structured opportunities for communication, coordination and cooperation among all the various theme mechanisms. Representatives from each mechanism should meet together at least once a year, and NGO participation in this annual meeting should be encouraged and facilitated. The theme mechanisms should submit a report from these meetings, with recommendations for strengthening their work, to the Commission on Human Rights.

122. Establish a central documentation center at the Centre for Human Rights, to be available to theme mechanisms and other U.N. human rights bodies. Country dossiers should be available containing all relevant U.N. and other source material relating to particular countries. This should include information from other U.N. agencies (not just those relating specifically to human rights) as well.

123. Upgrade the technological resources available to the staff of the theme mechanisms. Computerization of the Centre for Human Rights should proceed as a matter of the highest priority.

124. Participate actively in the drafting of new international instruments for the protection of human rights, including participation in working groups and drafting sessions.

125. Publish, through the Commission on Human Rights, a comprehensive compilation of recommendations made by each theme mechanism over the years. This should be published as a regular U.N. document, up-dated periodically, and used as a set of minimum standards for all governments. The theme mechanisms should also monitor progress based on these standards.

126. Secure a significant increase in resources, both financial and staff.

F. The Human Rights of Gay Men and Lesbians

In order to protect the human rights of Gay Men and Lesbians, the United Nations and the World Conference on Human Rights must:

127. Recognize that lesbians, gay men and other sexual minorities are entitled to all the fundamental human rights free from any form of discrimination and to this end call for the following steps to be taken:

128. Ensure that the U.N. Treaty Committees, thematic and country rapporteurs and working groups, independent experts, and all bodies entrusted with protecting human rights address violations based on sexual orientation.

129. Ensure that all future U.N. conferences make the necessary provisions for the full participation of lesbians, gay men and other sexual minorities as UN representatives, government delegates and UN representatives, noting that many countries have legislation to prohibit entry of, or otherwise discriminate against lesbians, gay men and other sexual minorities, making their participation in conferences in such countries difficult or impossible.

130. Ensure that human rights defenders, for whose protection the UN expresses a special concern, will include the many people working at the local, national and international levels to document and resist human rights abuses against, or advocate for the equal enjoyment of civil, political, cultural and economic rights of, lesbians, gay men and other sexual minorities.

G. Torture

Recognizing that torture, even systematic and authorized, is still practiced by many governments of the world (including U.N. member states) the U.N. and the government delegations to the World Conference on Human Rights must:

131. Support the pledging session at the World Conference on Human Rights for the United Nations Voluntary Fund for Victims of Torture.

132. Establish an outreach program to educate nations, NGOs, and individuals about the U.N. Voluntary fund for Victims of Torture, as some rehabilitation programs may be unaware of this resource.

133. Recognize that program staff in many countries--particularly in the developing world--are often vulnerable to harassment and intimidation. Support from the U.N. Fund both provides necessary financial assistance, and also gives these programs international credibility and protection.

134. Acknowledge that providing treatment to victims of torture is an essential basis for protecting human rights and for ensuring the growth of democratic societies, and that the victims need to be reintegrated into society.

135. Make clear to all governments and to the peoples of the world that torture *is not* an acceptable practice.

H. Indigenous Peoples' Rights

Recognizing the need to rectify past abuses and injustices practiced against the Indigenous Peoples' of the world, the World Conference on Human Rights should:

136. Ensure a substantive and meaningful discussion of the issue of Indigenous Peoples' Rights during the World Conference. This subject must not be relegated to the margins of World Conference discussion and debate by reducing it to no more than a visual "celebration" or "commemoration".

137. Strengthen the Rights of Self Determination of all peoples by insuring a full opportunity for indigenous peoples and for all people who are the victims of colonialism to participate in the preparatory process of the World Conference. And state that indigenous peoples have the Human Right to receive respect for their tradition and environment.

138. Express support for the UN Declaration on the Rights of Indigenous Peoples, and call for its rapid approval, ratification and implementation.

139. Recognize that protection of the natural environment of indigenous peoples is essential to protection of their right to life and to the maintenance of their cultural identity. There is an urgent need for attention to cases of physical destruction of indigenous communities or destruction of indigenous cultures. The role of natural resources in the physical and cultural preservation of indigenous peoples must receive adequate attention and the World Conference should acknowledge the right of indigenous peoples to maintain the integrity of the environment free of outside interference.

I. Reform in United Nations Representation and Participation

The World Conference on Human Rights should:

140. Examine proposals for a more equitable system of UN representation, broader NGO participation and more reliable sources of revenue to strengthen the United Nations. Specialized functions of the UN system cannot be effective without strong political institutions at its core.

141. Devote adequate attention to the right to popular participation and the right to information, both of which figure significantly in matters that affect the status of groups rendered vulnerable in the past such as women, minorities, indigenous peoples, and that also affect the condition of the environment.

142. Note the striking absence of women in the policy- and decision-making processes of both states and international organizations and examine ways and means to increase the participation of women in international, national, and local legislative, judicial and administrative bodies, including the United Nations itself, recognizing the importance of their participation to the implementation of existing human rights standards and instruments.

J. Development and Human Rights

In order to bring together U.N. and other international work on development and human rights, the World Conference on Human Rights should:

143. Recognize the Right to Development as a Human Right.

144. Call for increased communication and for increased policy, program and project coordination between U.N. bodies, offices and agencies dealing with development (in particular the United Nations Development Programme) and the U.N. Centre for Human Rights and other U.N human rights bodies.

145. Recognize the fundamental link between development and the protection of all human rights; economic, social, cultural, civil, and political.

146. Examine the impact of the policies of international, multi-lateral lending institutions (in particular the World Bank and the IMF) on the human rights situations in countries where these policies are implemented. A system to make these institutions more accountable, especially for any negative impact, must be developed.

147. Discuss the effects of development projects sponsored by multilateral development banks that do not adequately account for adverse environmental effects and their human rights consequences--such as contamination of air, land and water and dislocation of communities and peoples.

148. Support sustainable development and address the environmental components of sustainable development. Because sustainable development and environmental protection are inextricably intertwined, discussion of the right to development must incorporate the right to a sustaining environment.

149. Reaffirm the fact that sustainable development is impossible without the integration of women in the process of development, and recognize the necessity of the participation of women in creating conditions whereby everyone may enjoy the rights set out in the International Covenants on Human Rights and other human rights treaties. The role of women should be especially emphasized when formulating forward-looking strategies on sustainable development, popular participation and democratic institutions.

K. Human Rights and the Global AIDS Pandemic

In order to increase United Nations participation and effectiveness in the world-wide effort against AIDS, the World Conference on Human Rights should:

150. Ensure that the primacy of the principle of non-discrimination be communicated to and applied by all governments and international agencies in their efforts to control the spread of HIV/AIDS.

151. Ensure that all bodies entrusted with the promotion or protection of human rights, including specialized agencies, UN treaty committees, thematic and country rapporteurs and working groups, and independent experts address AIDS-specific violations in the areas that fall within their mandate.

152. Secure broad NGO participation, including AIDS service organizations, in World Conference proceedings.

153. Call on all governments to include information and analysis of HIV/AIDS specific issues in background documentation prepared for the World Conference.

154. Urge the UN Human Rights Centre to incorporate HIV/AIDS specific information and analysis into all background studies prepared for the World Conference.

L. Minority Rights

The World Conference on Human Rights should:

155. Call on the U.N. and all member states to implement fully and properly the Declaration on the Rights of Persons Belonging to Ethnic, Religious, or Linguistic Minorities, adopted in December 1992. The Declaration should be translated and disseminated.

156. Establish the advisory services and specialized training proposed by the Commission on Human Rights.

157. Establish a Special Commissioner for Minority Rights to examine and report publicly on the rights of persons belonging to minorities, and in particular as regards emerging conflicts that affect them. As conflict among national, ethnic, religious or linguistic minorities often escalates rapidly into violent confrontations, it is essential that the Special Commissioner provide an early warning of possible conflict, and, if possible, contribute to any efforts to foster communication and dialogue among parties through such means as the use of regular hearing procedures, including those held in the region or countries where disputes exist.

158. Call on all U.N. special mechanisms on minorities to consult regularly with a subcommittee and staff of the U.N. Security Council. Reports from the special mechanisms should be shared in these consultations, as well as with the Commission on Human Rights.

159. Review the report and implement the recommendations of the Special Rapporteur on Human Rights and Disability (1991).

160. Recommend that all U.N. bodies accord the implementation of the Declaration the very highest priority, and provide every possible incentive for cooperation and confidence building. The UN Advisory Technical Assistance Program should be made available upon receipt of a request from a member of or representative of a minority.

161. Establish a UN Voluntary Fund for the support of bodies working in the field of minority rights, including NGOs. A pledging session should be held at the World Conference.

162. Call upon member states to declare within twelve months of the Conference, in writing, their concrete plans for the implementation of the Declaration, and to provide specific information on the national institution with primary responsibility for the oversight of domestic minority rights.

163. Recommend that the U.N. Subcommittee on the Prevention of Discrimination and the Protection of Minorities review the progress of each U.N. member in implementing the Declaration and that this be published in an annual minority rights report, no later than the last day of the first January following the year under consideration.

164. Open a document in which governmental delegates shall record, within twelve months, their policies regarding the granting of overseas aid, commercial credits and other preferences, either through their representatives on the boards of multi-lateral development banks or directly, to countries where the Declaration is not being implemented, according to the U.N.'s annual minority rights report.

M. Protection for Human Rights Defenders

Recognizing the irreplacable and life-saving role of human rights defenders the world over, the World Conference on Human Rights should:

165. Affirm in its final declaration the rights of human rights defenders and support their efforts to conduct their own work free from reprisals or harassment.

Appendix 1

Washington
NGO Coalition
UN World Conference on Human Rights
Satellite Meeting
February 23, 1993

AGENDA

MORNING SESSION
Chair: Audrey Chapman, *American Association for the Advancement of Science*

9:00 Exchange/Distribution of documents/Coffee, etc.

9:15 Welcome and Introduction
Audrey Chapman, *AAAS*

9:30 Presentations

1. Structural/institutional reform in the UN
   James O'Dea, *Amnesty International USA*
2. Refugee Policy
   Refugee Policy Group
3. Peacekeeping/humanitarian initiatives
   Ian Guest, *International Human Rights Law Group*
4. Integration of social, economic, and cultural rights
   Audrey Chapman, *AAAS*
5. The human rights of women
   Dorothy Thomas, *Human Rights Watch*
   Donna Sullivan, *International Human Rights Law Group*
6. Indigenous rights
   Steven Tullberg, *Indian Law Resource Center*
7. World and regional judicial reform
   William Pace, *Center for the Development of International Law*
   Craig Baab, *American Bar Association*
8. Human rights education as a human right
   Shulamith Koenig, *The Decade of Human Rights*
9. Development and human rights
   Linda Rabben, *Rainforest Foundation*

11:00 Working Groups on Recommendations

12:30 Lunch

AFTERNOON SESSION
Chair: Mark Brown, *Lutheran Office of Government Affairs*

1:30 Reports from Working Groups

2:45 General Discussion
*on recommendations and areas of concern
*as a Coalition, where do we go from here?

4:00 Preparation for Press Briefing

4:45 Closing remarks